

REMARKS

The Office Action of May 1, 2006, rejected various claims under 35 U.S.C. § 102(e) as being anticipated by one of two references (Takahashi and Mitchell). The remaining claims were rejected under 35 U.S.C. § 103(a) as being obvious in view of various combinations of references. With this response, Claims 1-50 remain pending.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicant respectfully requests reconsideration and allowance of the pending claims. Prior to setting forth the reasons applicant believes that the pending claims are in condition for allowance, a brief summary of various embodiments described in the application is presented. It should be appreciated, however, that the following summary is presented to assist the Examiner in understanding the differences and distinctions between the pending claims and the cited references, and should not be interpreted as limiting upon the claimed invention.

Summary of Various Embodiments in the Application

The present application describes embodiments that include a video casting network in association with or in addition to a television. More particularly, a display separate from the television displays indicia of events available to the client. The indicia of events include information regarding upcoming broadcasts (over the television broadcast signal), news, supplemental information regarding currently broadcast shows, complimentary information to facilitate the purchase of products presented interactively over the video casting network, as well as notice of external services such as instant messaging requests, incoming email, and the like.

In one particular embodiment, indicia of events are embedded in the television broadcast signal. The indicia may include the entire subject matter of the event, or simply a reference where the subject matter of the event may be obtained. Thus, the display device has a first input which provides the television broadcast signal (which is also provided to the television), as well

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as a second and/or third input. The second input may be an Internet connection over which the display device may obtain the subject matter of a particular event. The third input may be the source of indicia (separate from the television broadcast signal). Using these multiple input channels, the information regarding the event may be divided such that a triggering event is embedded within the television broadcast signal with sufficient information to direct the device to obtain the displayable subject matter through another channel, such as over the Internet via a second input.

In addition to receiving event information, an embodiment of the present invention permits the user to configure which events should be displayed on the display device. For example, a user may configure the display device according to user specific criteria such that only a specific category of indicia of events are displayed to the user. Moreover, the user may determine the particular configuration in which the indicia of events is displayed.

Clearly, the ability to obtain information regarding events available to the user and display them separately from the television broadcast signal provides a rich viewing experience to a user. Moreover, the foregoing embodiments include decided advantages over other cited art, such as embedding the indicia of events in the television broadcast signal and providing a way (such as through the second input channel) to obtain greater information regarding the event outside of the television broadcast signal. This system may also be beneficially utilized to enable a user to purchase items presently advertised on the television.

35 U.S.C. § 102(e) Rejections

Claims 1, 4-5, 7, 9-15, 20, 27-28, 34, 36, and 48 were rejected as being anticipated by U.S. Patent No. 6,308,329 to Takahashi (hereinafter "Takahashi"). Additionally, Claims 39-41 were rejected as being anticipated by U.S. Patent Publication No. 2002/0162120 to Mitchell (hereinafter "Mitchell"). For the following reasons, applicant respectfully disagrees. Moreover,

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these claims (as well as their dependent claims in general) will be addressed in the order that they appear in the Office Action.

Claim 1

With regard to Claim 1, applicant respectfully submits that Takahashi fails to disclose each element of independent Claim 1, as amended. In particular, Claim 1 recites the following elements that are not found in Takahashi:

a first tuner receiving a television broadcast signal for display by the television;

a second tuner connected to a communication network and configured to send and receive information related to an event available through the interactive video casting system; and

upon detecting a trigger embedded in the television broadcast signal via the first tuner, the display [] obtains screen indicia indicative of an event available through the interactive video casting system from the communication network via the second tuner according to information in the trigger detected in the television broadcast signal. (Emphasis added.)

Support for the amendment to Claim 1 is found, *inter alia*, on page 7, line 25-page 8, line 5.

Takahashi discloses a demodulator which demodulates input data from one of "cable, telephone line (analog, ISDN), satellite, Ethernet, or like." Takahashi also discloses a demodulator which outputs data to the same communication channel (i.e., cable, telephone line (analog, ISDN), satellite, or Ethernet). See, Takahashi, Col. 3, lines 45-60; Figure 5. Whether or not the demodulator and modulator may be viewed as a first and second tuner, which applicant expressly denies, applicant points out that Takahashi fails to disclose "a first tuner receiving a television broadcast signal for display by the television." Indeed, Takahashi is directed at receiving "push type data," not a television broadcast signal.

Applicant asserts that Takahashi further fails to disclose "a second tuner connected to a communication network and **configured to send and receive** information related to an event available through the interactive video casting system." Clearly (and as also disclosed by Takahashi), a demodulator is strictly an input device, receiving data. Similarly, a modulator is strictly an output device. Thus, even assuming that the modulator and demodulator may be viewed as two "tuners", neither the modulator nor the demodulator **both sends and receives information** over a communication network.

Takahashi also fails to disclose the recitation "upon **detecting a trigger embedded in the television broadcast signal** via the first tuner." In this regard, there is no disclosure in Takahashi of detecting a trigger corresponding to an event in the television broadcast signal. In fact, Takahashi is not directed to receiving television broadcast signals at all, but rather to receiving its particular "push type data."

Takahashi further fails to disclose the display "obtains screen indicia indicative of an event available through the interactive video casting system from the communication network via the second tuner according to information in the trigger detected in the television broadcast signal." In other words, once a trigger is detected in the television broadcast signal, information in that trigger is used to obtain the subject matter to be displayed via a second tuner, i.e., over the communication network. For example, as described in the specification at page 7, a trigger is detected in the television broadcast signal on the first tuner and may include the URL of the subject matter of an upcoming event or notice of a received email. The second tuner is then used to obtain the subject matter of the event via two-way communication - sending a request to the URL and receiving the data in response. Takahashi utterly fails to disclose this type of interaction on a second tuner.

It is well established that anticipation, under 35 U.S.C. § 102, requires the disclosure of each and every element of a claim in a single reference. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). In light of the amendment and arguments set forth above, Takahashi clearly fails to disclose each and every element of Claim 1. Accordingly, applicant submits that Claim 1 is in condition for allowance, and requests that the 35 U.S.C. § 102(e) rejection of Claim 1 be withdrawn, and the claim allowed.

Claims 2-13

Claims 2-13 depend from independent Claim 1. As applicant submits that Claim 1 is in condition for allowance, applicant further submits that Claims 2-13 are also in condition for allowance. Moreover, many of these dependent claims recite subject matter that further distinguishes them from Takahashi, some of which are discussed below.

Claim 4

The Office Action rejected Claim 4 as being anticipated by Takahashi because Takahashi, Figure 2, showed the display of push type data by a set top box (STB) and because the STB was physically located "on" the television. Accordingly, in an effort to more particularly point out and distinctly claim the subject matter of Claim 4, this claim has been amended to recite that "the screen indicia is capable of being simultaneously displayed **via** the television **and via** the display screen." In other words, the screen indicia is capable of being displayed simultaneously via/through both the television and the display. Takahashi fails to disclose push type data is displayable via/through both the television and the STB.

Applicant submits that for these additional reasons, Claim 4 is in condition for allowance and requests that the 35 U.S.C. § 102(e) rejection be withdrawn and the claim allowed.

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Claim 14

With regard to Claim 14, applicant respectfully submits that Takahashi fails to disclose each element of independent Claim 14 as amended. In particular, Claim 14 recites the following elements that are not found in Takahashi:

dynamically receiving a trigger related to an event available via a client terminal for a television via a first tuner, wherein the trigger is embedded in a television broadcast signal intended for display via a screen of the television; and

dynamically obtaining data related to the event via a second tuner according to information in the trigger. (Emphasis added.)

As described in Claim 1, Takahashi fails to disclose receiving a trigger related to an event, via a first tuner, embedded within a television signal. Additionally, Takahashi fails to disclose obtaining data related to an event, via a second tuner, according to information in the received trigger. Clearly, these two recitations still identify both a first and second tuner, which Takahashi does not.

In light of the above, applicant submits that Takahashi fails to disclose each and every element of Claim 14. Applicant further submits that Claim 14 is in condition for allowance, and requests that the 35 U.S.C. § 102(e) rejection of Claim 14 be withdrawn and the claim allowed.

Claims 15-26

Claims 15-26 depend from independent Claim 14. As applicant submits that Claim 14 is in condition for allowance, applicant further submits that Claims 15-26 are also in condition for allowance, and requests they be allowed at an early date.

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Claim 27

With regard to Claim 27, applicant respectfully submits that Takahashi fails to disclose each element of independent Claim 27 as amended. In particular, Claim 27 recites the following elements that are not found in Takahashi:

a first and second tuner, wherein the first tuner is configured to receive a television broadcast signal displayable via the television,

the second tuner is configured to send and receive information via a communication network coupled to the second tuner, and

the client terminal is configured to detect a trigger relating to an event embedded within the television broadcast signal received via the first tuner and dynamically obtain data regarding the event from a data source over the communication network via the second tuner according to information in the trigger. (Emphasis added).

As discussed above with regard to Claim 1, applicant submits that Takahashi fails to disclose a first and second tuner. Moreover, even assuming that Takahashi discloses two tuners, Takahashi fails to disclose that a first tuner is configured to receive a television broadcast signal.

With regard to the second tuner - which does not receive the television broadcast signal that is received by the first tuner - Takahashi fails to disclose a tuner that **both sends information to and receives information from** a communication network.

Takahashi further fails to disclose detecting a trigger embedded within the television signal, and based on information in that trigger, obtaining data regarding the event from a data source over the communication network via the second tuner.

In light of the above, applicant submits that Takahashi fails to disclose each element of Claim 27. Accordingly, applicant requests that the 37 U.S.C. § 102(e) rejection be withdrawn, and the claim allowed.

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Claims 28-35

Claims 28-35 depend from independent Claim 27. As applicant submits that Claim 27 is in condition for allowance, applicant further submits that Claims 28-35 are also in condition for allowance, and requests their allowance.

Claim 36

With regard to Claim 36, applicant respectfully submits that Takahashi fails to disclose each element of independent Claim 36 as amended. In particular, Claim 36 recites the following elements with regard to a display driver in a client terminal, which are not found in Takahashi:

- detect events embedded in a television broadcast signal;
- filter the detected events according to user specified criteria;
- configure indicia of the filtered events according to the user specified criteria; and
- cause the indicia of events to be displayed on the display screen.

As discussed above, applicant submits that Takahashi fails to disclose detecting events embedding within a television broadcast signal.

With regard to the element "filter the detected events according to user specified criteria," Takahashi fails to disclose that a user may establish criteria for filtering the events received from the television broadcast signal. Indeed, this is quite unlike the push type data described in Takahashi because the information is received (embedded in the television signal), and once received it is filtered.

While Takahashi suggests that its STB can display text or simple graphics, Takahashi fails to disclose configuring indicia of filtered events according to user specified criteria.

For the reasons described, applicant submits that Takahashi fails to disclose each element of Claim 36. Accordingly, applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of Claim 36 be withdrawn, and the claim allowed.

Claims 37-38

Claims 37-38 depend from independent Claim 36. As applicant submits that Claim 36 is in condition for allowance, applicant further submits that Claims 37-38 are also in condition for allowance, and requests an early allowance.

Claim 48

With regard to Claim 48, applicant submits Claim 48 has been amended to recite similar elements to those found in independent Claims 1, 14, and 27. Thus, applicant asserts that Takahashi fails to disclose the following elements:

a means for detecting a trigger corresponding to an event embedded in the received television broadcast signal; and

a means for obtaining data related to the event over a communication network according to information in the detected trigger.

As mentioned above, Takahashi fails to disclose detecting a trigger corresponding to an event embedded within a received television broadcast signal. Takahashi further fails to disclose subsequently obtaining data related to the event over a communication network.

As applicant asserts that Takahashi fails to disclose each element of Claim 48, applicant submits that the 35 U.S.C. § 102(e) rejection should be withdrawn, and the claim allowed.

Claim 39

The Office Action stated that Mitchell discloses each element of Claim 39. Applicant respectfully traverses the rejection, and submits that Mitchell fails to disclose each element of Claim 39, as amended. More particularly, Mitchell fails to disclose:

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filtering the trigger according to user specified criteria,

if the trigger is not filtered by the trigger ... configuring the generated screen indicia according to the user specified criteria.

Mitchell completely fails to disclose filtering the trigger according to user specified criteria to determine if the trigger should be displayed on the display device.

Mitchell also fails to disclose that if the trigger is not filtered out, "configuring the generated screen indicia according to the user specified criteria."

In light of the above, applicant submits that Mitchell fails to disclose each and every element of Claim 39. Accordingly, applicant requests that the 35 U.S.C. § 102(e) rejection of this claim be withdrawn, and the claim allowed.

Claims 40-41

Claims 40-41 depend from independent Claim 39. As applicant submits that Claim 39 is in condition for allowance, applicant further submits that Claims 40-41 are also in condition for allowance, and requests their allowance.

35 U.S.C. § 103(a) Rejections

Claims 2-3

Claims 2-3 were rejected as being unpatentable over Takahashi in view of U.S. Patent No. 5,764,734 to Medendorp (hereinafter "Medendorp"). However, as asserted above, Claims 2-3 depend from independent Claim 1, which applicant asserts is in condition for allowance. Moreover, the addition of Medendorp fails to make up for the deficiencies of Takahashi with regard to Claim 1, and therefore does not render obvious the subject matter of Claims 2-3. Accordingly, applicant submits that the combination of Takahashi and Medendorp fails to disclose, teach, or suggest each and every element of Claims 2-3.

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It is well established that a *prima facie* case of obviousness requires that three basic criteria be met: (1) there must be a suggestion or motivation, in the cited reference or in the general knowledge of those skilled in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the reference(s) must teach or suggest all of the claim limitations. See, *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). As Takahashi and Medendorp, alone and in combination, fail to teach or suggest each element of Claim 1, applicant submits that the cited references cannot form a proper *prima facie* case of obviousness with regard to its dependent claims. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejections of Claims 2-3 be withdrawn, and the claims allowed.

Claim 16

The Office Action rejected Claim 16 as being unpatentable over Takahashi in view of U.S. Patent No. 5,48,813 to Tanigawa (hereinafter "Tanigawa"). However, as asserted above, Claim 16 depends from independent Claim 14, which applicant asserts is in condition for allowance. Moreover, the addition of Tanigawa fails to make up the deficiencies of Takahashi with regard to Claim 14. Thus, it follows that the combination also fails to make up the deficiencies with respect to Claim 16. Accordingly, applicant submits that the combination of Takahashi and Tanigawa fail to disclose, teach, or suggest each element of dependent Claim 16, and applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 16 be withdrawn, and the claim allowed.

Claims 17 and 19

Both Claims 17 and 19 depend from independent Claim 14. As applicant submits that Claim 14 is in condition for allowance, dependent Claims 17 and 19 are also in condition for allowance. Moreover, the addition of U.S. Patent No. 6,392,664 to White (hereinafter "White")

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to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 14. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claims 17 and 19 be withdrawn, and the claims allowed.

Claim 18

Claim 18 also depends from independent Claim 14. As applicant submits that Claim 14 is in condition for allowance, dependent Claim 18 is also in condition for allowance. Moreover, the addition of White and U.S. Patent No. 6,928,087 to Slowe (hereinafter "Slowe") to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 14. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 18 be withdrawn, and the claim allowed.

Claims 21-23 and 37-38

Claims 21-23 depend from independent Claim 14, and Claims 37-38 depend from independent Claim 36. As applicant submits that Claims 14 and 36 are in condition for allowance, dependent Claims 21-23 and 37-38 are also in condition for allowance. Moreover, the addition of U.S. Patent No. 4,510,623 to Bonneau (hereinafter "Bonneau") to Takahashi fails to make up the deficiencies of Takahashi with regard to Claims 14 or 36. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claims 21-23 and 37-38 be withdrawn, and the claims allowed.

Claims 6, 25, and 29

Claim 6 depends from independent Claim 1, Claim 25 depends from independent Claim 14, and Claim 29 depends from independent Claim 27. As applicant submits that Claims 1, 14 and 27 are in condition for allowance, dependent Claims 6, 25, and 29 are also in condition for allowance. Moreover, the addition of U.S. Patent No. 5,495,283 to Cowe (hereinafter "Cowe") to Takahashi fails to make up the deficiencies of Takahashi with regard to

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Claims 1, 14 or 27. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claims 6, 25, and 29 be withdrawn, and the claims allowed.

Claim 8

Claim 8 also depends from independent Claim 1. As applicant submits that Claim 1 is in condition for allowance, dependent Claim 8 is also in condition for allowance. Moreover, the addition of U.S. Patent No. 5,761,650 to Munsil (hereinafter "Munsil") to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 1. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 8 be withdrawn, and the claim allowed.

Claim 24

Claim 24 also depends from independent Claim 14. As applicant submits that Claim 14 is in condition for allowance, dependent Claim 24 is also in condition for allowance. Moreover, the addition of Mitchell to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 14.

Applicant notes that the Office Action cited Mitchell as a 35 U.S.C. § 102(e) reference in rejecting pending claims. Additionally, applicant asserts that both Mitchell and the present invention, at the time the present invention was made, were owned by and/or subject to assignment to the same entity, namely Digeo, Inc. Evidence of their common ownership is found in their recorded assignments. More particularly, Mitchell's assignment to Digeo, Inc. is found at Reel 012010, Frame 0223, while the present invention's assignment to Digeo, Inc. is found at Reel 012939, Frame 0409. As both the present invention and Mitchell were owned by and/or subject to assignment to the same entity at the time the present invention was made, pursuant to 35 U.S.C. § 103(c)(1) the disclosure, teachings, and suggestions of Mitchell cannot preclude patentability of the pending claims.

As the Office Action has acknowledged that all elements of Claim 24 are not found in Takahashi, and has acknowledged that Mitchell qualifies as a 35 U.S.C. § 102(e) reference, thus disqualifying Mitchell as a reference due to common ownership, applicant submits that Claim 24 is in condition for allowance, and requests that the 35 U.S.C. § 103(a) rejection of this claim be withdrawn, and the claim allowed.

Claim 26

Claim 26 also depends from independent Claim 14. As applicant submits that Claim 14 is in condition for allowance, applicant submits that dependent Claim 26 is also in condition for allowance. Moreover, the addition of Cowe and U.S. Patent No. 5,760,820 to Eda (hereinafter "Eda") to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 14. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 26 be withdrawn, and the claim allowed.

Claims 30-33

Claims 30-33 depend from independent Claim 27. As applicant submits that Claim 27 is in condition for allowance, applicant submits that dependent Claims 30-33 are also in condition for allowance. Moreover, the addition of U.S. Patent No. 6,222,947 to Koba (hereinafter "Koba") to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 27. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejections of Claims 30-33 be withdrawn, and the claims allowed.

Claim 35

Claim 35 also depends from independent Claim 27. As applicant submits that Claim 27 is in condition for allowance, applicant submits that dependent Claim 35 is also in condition for allowance. Moreover, the addition of U.S. Patent No. 6,903,779 to Dyer (hereinafter "Dyer") to

Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 14. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 35 be withdrawn, and the claim allowed.

Claims 42-43

With regard to independent Claim 42 and its dependent Claim 43, applicant points out that U.S. Patent No. 7,017,174 to Sheedy (hereinafter "Sheedy") was filed on July 30, 2001. As the present invention was filed on December 26, 2001, Sheedy qualifies as a 35 U.S.C. § 102(e) reference.

Applicant asserts that both Sheedy and the present invention, at the time the present invention was made, were owned by and/or subject to assignment to the same entity, namely Digeo, Inc. As evidence of their common ownership, the present invention's assignment is found at Reel 012939, Frame 0409, and Sheedy's assignment is found at Reel 012271, Frame 0869. Accordingly, pursuant to 35 U.S.C. § 103(c)(1), any disclosure, teaching, or suggestion in Sheedy cannot preclude patentability of the pending claims.

As the Office Action has acknowledged that all elements of Claim 42 are not found in Takahashi, and as Sheedy qualifies as a 35 U.S.C. § 102(e) reference thus disqualifying Sheedy as a reference due to common ownership, applicant submits that Claim 42 is in condition for allowance, and requests that the 35 U.S.C. § 103(a) rejection of this claim be withdrawn, and the claim allowed.

Moreover, as Claim 43 depends from independent Claim 42, and was rejected under the combination of Takahashi and Sheedy (which cannot be used to preclude patentability), applicant submits that Claim 43 is also in condition for allowance, and requests that the 35 U.S.C. § 103(a) rejection of Claim 43 be withdrawn, and the claim allowed.

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Claim 44

With regard to dependent Claim 44, applicant points out that the Office Action relied upon Sheedy as disclosing various elements of this claim. However, as discussed above in regard to Claims 42 and 43, Sheedy cannot preclude patentability of the pending claim. Accordingly, a *prima facie* case of obviousness cannot be made with the remaining references, Takahashi and Cowe. Applicant, therefore, requests that the 35 U.S.C. § 103(a) rejection of Claim 44 be withdrawn, and the claim allowed.

Claim 45-47

With regard to independent Claim 45 and dependent Claims 46-47, applicant again points to the fact that the Office Action relied upon Sheedy (in combination with Takahashi and White) as disclosing various elements of Claim 45. However, Sheedy cannot preclude patentability. Moreover, without Sheedy, a *prima facie* case of obviousness is not made. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejections of Claims 45-47 be withdrawn, and the claims allowed.

Claim 49

Claim 49 also depends from independent Claim 48. As applicant submits that Claim 48 is in condition for allowance, per the discussion above, applicant also submits that dependent Claim 49 is also in condition for allowance. Moreover, the addition of White to Takahashi fails to make up the deficiencies of Takahashi with regard to Claim 48. Accordingly, applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 49 be withdrawn, and the claim allowed.

Claim 50

With regard to dependent Claim 50, in addition to depending from Claim 48, which applicant submits is in condition for allowance, applicant points out that the Office Action relied

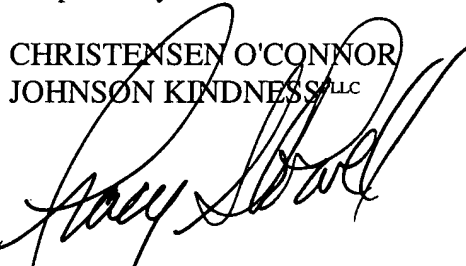
upon Mitchell as disclosing elements of this claim. However, as discussed above, Mitchell cannot preclude patentability of the present invention/pending claim. Accordingly, a *prima facie* case of obviousness cannot be made solely upon Takahashi. Applicant, therefore, requests that the 35 U.S.C. § 103(a) rejection of Claim 50 be withdrawn, and the claim allowed.

Conclusion

In view of the foregoing remarks, it is believed that the pending claims are in condition for allowance. Accordingly, applicant requests early allowance of the pending claims. If the Examiner has any questions regarding this application, he is invited to call the undersigned counsel at the telephone number listed below.

Respectfully submitted,

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